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PART - I

சிறப்பு வெளியீடு

அதிகாரம் பெற்ற
வெளியீடு

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BEFORE THE COMMISSIONER OF LABOUR, PONDICHERRY
[CERTIFYING OFFICER FOR THE UNION TERRITORY OF PONDICHERRY
UNDER THE INDUSTRIAL EMPLOYMENT (STANDING ORDERS) ACT, 1946]

Standing Order No.1 of 2005

In the matter of Certification of Standing Orders in respect of M/s. The Pondicherry Tourism and Transport Development Corporation Limited, Pondicherry under the Industrial Employment (Standing Orders) Act, 1946.

ORDER

Whereas the draft Standing Orders submitted by the Management of M/s. The Pondicherry Tourism and Transport Development Corporation Limited, Pondicherry for adoption in respect of their establishment was taken by me for certification under the Industrial Employment (Standing Orders) Act, 1946 (hereinafter called the 'Act') ;

Whereas notice under section 5 (1) of the Industrial Employment (Standing Orders) Act, 1946 was sent to the Trade Unions of the establishment seeking their views, if any, to the draft Standing Orders of the establishment;

Whereas an opportunity of being heard was given to the Management and the Trade Unions and thereupon the undersigned decided that certain modifications and additions are required to the draft Standing Orders so as to render it certifiable under the Act and accordingly an order was passed in writing *vide* No. 8811/2003/Lab./L, dated 26-4-2004 and 22-9-2004 with a direction to make modifications and additions and submit 20 such copies to the undersigned for effecting certification;

And whereas the management after making necessary modifications and additions submitted 20 copies of the Standing Orders to the undersigned;

Now, therefore, in exercise of the powers conferred under sub-section (3) of section 5 of the Act, the undersigned hereby certifies the Standing Orders for adoption in M/s. The Pondicherry Tourism and Transport Development Corporation Limited, Pondicherry and the Standing Orders so certified is duly authenticated by the signature and seal of the Office of the Certifying Officer, Pondicherry as required under rule 7 of the Industrial Employment (Standing Orders) Central Rules, 1946 and appended herewith.

Dated at Pondicherry on this the 8th day of March 2005.

RATTAN SINGH,
Commissioner of Labour-cum-
Certifying Officer.

STANDING ORDERS OF THE PONDICHERRY TOURISM AND TRANSPORT DEVELOPMENT CORPORATION LIMITED

1. (a) *Short title, extent and commencement.*— These standing orders shall be called, “the Standing Orders for Employees of the Pondicherry Tourism and Transport Development Corporation Limited”.

They shall be applicable to all the workmen who are covered by the definition of “Workman” under section 2 (s) of the Industrial Disputes Act, 1947 including the workmen engaged by the Pondicherry Tourism and Transport Development Corporation Limited on contractual basis. These orders shall come into force on

(b) *Classification of workmen.*— Workman shall be classified as follows :—

- (a) Apprentice (b) Badili (c) Casual (d) Temporary (e) Probationer
- (f) Permanent (g) Contract Workman (h) Occasional Workman and
- (i) Daily-rated Workman.

2. *Definitions.—*

(a) *Apprentice*.— “Apprentice” is one who is engaged in learning any skilled work and the period of such learning shall not exceed three years. He shall be given an allowance at the rate not less than those provided in the Apprentices Act.

(b) ‘Badili’ shall mean a workman who is appointed in the post of a permanent workman or a probationer who is temporarily absent.

(c) *Casual*.— Casual Workman shall mean a workman employed for work which is essentially of a casual or intermittent in nature and who is employed on day-to-day basis.

(d) *Temporary*.— “Temporary Workman” means a workman who has been appointed for a limited period or work which is of an essentially temporary nature or which terminates at the conclusion of specific contract or one employed temporarily as an additional workman in connection with temporary increase in work of a permanent nature and includes a workman who is temporarily absent. The mere fact that the period has prolonged beyond the period specified or that the temporary employee may for sometime be asked to do work which is of permanent nature, will not give right or give rise to any claim to such workman to claim permanency or permanent appointment.

(e) *Probationer*.— A ‘Probationer’ is one who is provisionally employed to fill a permanent vacancy in a post and is undergoing probation for a period which shall be two years. Provided, the management may in any particular case extend the period of probation of any workman up to a further period equivalent to the period of probation prescribed if it is not satisfied with the work and/or conduct of any workman during the period of probation and/or if he has not passed the prescribed tests required to be passed during the period of probation. Absence on sick leave or due to accident or any other reason, shall not be included in computing probationary period.

The corporation on being satisfied that the work and the conduct of the probationary workman is not satisfactory, either during the initial probationary period or the extended probationary period, may terminate the services of the probationer. In this regard Management's decision shall be final and cannot be questioned in anyway whatsoever.

(f) ‘Permanent Employee’ is one who is engaged on a permanent basis in work of a permanent nature and whose appointment has been confirmed in writing in the form prescribed by the Manager or other officer of the company authorized to do so and includes an employee who has satisfactorily completed his probationary period and such completion is approved and confirmed by the Manager or other officer of the company authorised to do so in writing.

(g) *Contract Workman*.— Contract Workman shall mean the workman who have been engaged directly by the Pondicherry Tourism and Transport Development Corporation on contract basis for a particular period subject to the terms and conditions contained in such contract.

(h) ‘Occasional workman’ means a person employed by the Corporation to meet a special contingency or to satisfy a chance or unexpected need of the Corporation.

(i) ‘Daily-rated workman’ means a person employed by the Corporation on daily rated wages basis payable monthly and who is not a confirmed employee.

(j) Corporation, means the Pondicherry Tourism and Transport Development Corporation Limited.

(k) ‘Habitual’ means repetition of an act or omission on three occasions over a period of one year.

(l) “Manager” means the Company’s representative appointed by the Management to be in charge of a branch or office, or section of an office or department as defined by the management from time to time.

(m) ‘Management’ means Managing Director of the Company or such other person or persons or body or bodies as may be authorised by the Board of Directors in this behalf.

(n) *Wage* : Wage shall have the meaning assigned to it in the payment of Wages Act, 1936.

3. Appointment.— All orders of appointment of workman shall be issued by the authority authorised in this regard by the Corporation. The orders of appointment shall specify the nature of appointment, the category or grade, the initial pay, the scale of pay and allowances if any to which the appointee shall be entitled.

Medical examination.— Wherever the recruitment rules or service rules specify medical examination of a workman on his first appointment, the employer shall, at the employer's expenses, make arrangements for the medical examination by a Government doctor and the workers should be subjected to Medical Examination once in every 5 years.

Medical aid in case of accidents.— Where a workman meets with an accident in the course of or arising out of his employment, the employer shall, at the employer's expenses, make arrangements for immediate and necessary medical aid to the injured workman and shall arrange for his further treatment, if considered so by the doctor attending him. Wherever the workman is entitled for treatment and benefits under the Workmen's Compensation Act, 1923, the employer shall arrange for the treatment and compensation accordingly. Alternative job may be offered by the employer if the disabled person is willing to do the work, subject to availability of the alternative job.

4. Service records.— The Corporation shall maintain appropriate records for every workman, entering particulars regarding his date of birth, qualification, date of employment, date of increments, if any, punishment or commendations, if any, leave and accident statistics and such other particulars as may be necessary for effective evaluation of services rendered.

(i) **Service card.**— The management shall maintain a service card in respect of each workman in the form appended to Schedule 1-B of the Industrial Employment (Standing Orders) Central Rules, 1946, wherein particulars of that workman shall be recorded with the knowledge of that workman and duly attested by an officer authorised in this behalf together with date.

(ii) **Certification of Service.**— Every workman shall be entitled to a service certificate specifying the nature of work (designation) and the period of employment (indicating the days, months, years at the time of discharge, termination, retirement or resignation from service).

(iii) **Publication of working time.**— The periods and hours of work for all classes of workers in each shift shall be exhibited in English and in the principal language of workman employed in the establishment on notice-boards maintained at or near the main entrance of the establishment and at the time keeper's office, if any.

Publication of holidays and pay days.— Notices specifying (a) the days observed by the establishment as holidays and (b) pay days shall be posted on the said notice-boards.

Publication of wage rates.— Notices specifying the rates of wages payable to all classes of workmen and for all classes of work shall be displayed on the said notice-boards.

5. *Date and manner or payment of wages.*— Wages will be paid on the date fixed which will be exhibited in the notice board and those who have claims in this regard should appear either in person or by an authorised representative in case it is impossible for the worker to appear in person and receive such wages from the Managing Director/Accounts Officer or the person authorised after giving satisfactory evidence of their claims. The over time wages will be paid as per the provisions of the Motor Transport Workers' Act, 1961.

6. *Shift working.*— (i) Shift working is regulated in accordance with the Factories Act, 1948. More than one shift may be worked in a department; or any section of the departments at the discretion of the Company.

No shift working shall be discontinued without one month's notice being given in writing to the workmen prior to such discontinuance:

Provided that no such notice shall be necessary (a) if the closing of the shift is under an agreement or (b) if as a result of closing the shift, no permanent workmen will be retrenched, or (c) if the closure is due to circumstances beyond the employer's control.

(ii) If as a result of the discontinuance of the shift working, any workman is to be retrenched, the provisions of the Industrial Disputes Act, 1947(Central Act XIV of 1947)shall in so far as it relates to retrenchment of workmen, apply to such workmen. If the employer proposed to take into his employment any person, the workman retrenched shall be given notice and reemployed in accordance with the abovesaid Act.

(iii) Employees shall not be allowed to change their shifts without permission nor shall they leave their jobs' at the end of the shift without the permission of their in charges.

7. *Attendance and late coming.*— All workmen shall be at work at their respective places of duty at the time fixed and notified.

Workman attending late shall be liable to the deductions provided for in the payment of Wages Act, 1936. Any workman, leaving his proper place of work during the working hour without the permission of the authority shall be liable to be treated as absent for the whole day. In case his absence commences before the lunch interval he shall be treated as absent for the whole day and in case his absence commences after interval he shall be treated as absent for half a day. No employees shall be late for duty and such latecomers will be treated as absent from duty. Ten minutes of grace time will be allowed on three occasions and two hours of permission in a month shall be granted. Workman whose case is not covered under the above clause shall be treated as absent in the first half day his duty time and if he is absent during the next half of his duty time he shall be treated as absent for half day.

8. (A) *Procedure for the grant of leave to workmen.*— A workman who desires to obtain leave shall apply in advance and get prior sanction of the authority competent to sanction leave. If leave is refused or postponed the fact of such refusal or postponement shall be in writing and communicated to the workman concerned before the commencement of the leave applied for if the application for leave had been received at least two days in advance. If the workman desires an extension of leave he shall before the expiry of the leave, make an application in writing through the unit Manager to the sanctioning authority who shall either grant or refuse the extension of leave and intimate him accordingly to his last known address.

Employee requiring leave for urgent purposes such as attending to sickness or funerals of near relatives may approach the Manager directly who may grant leave as required by the employee subject to availability of leave in his leave account and enquiries may be made later regarding *bona fides* of his requirements of leave. If on such enquiry, it is proved that the leave applied for by an employee was not for an emergency as described above, he will be marked absent for the number of days leave applied for. In such an inquiry due opportunity shall be given to the concerned employee for being heard.

8. (B) *Grant of casual leave.*— Workman may be granted casual leave with wages for twelve days in the aggregate in a calendar year. The period of such casual leave taken at any one occasion shall not exceed three days, nor such casual leave shall be combined with any other leave.

Ordinarily previous permission of the Manager of the establishment shall be obtained before such leave is taken, but when this is not possible the Manager shall be informed as soon as practicable in writing of the absence from and of the probable duration of such absence.

9. *Entry into and departure from workshop premises.*— The workman shall not enter or leave the premises of the industrial establishment except through the gate or gates provided for that purpose. These gates may be closed during the working hours and the workman must not leave the industrial establishment

premises during such hours without the permission in writing of his in charge, which shall be shown at the gates to the Watch and Ward staff of the establishment. The gates may also be closed 30 minutes after the normal shift timings.

10. *Liability for search.*— All male workers shall be searched by the gatemen (watchman) while leaving the premises of the Industrial Establishment and all female workers shall be liable to be searched by female searcher and in case female searcher is not readily available, such female workers shall be detained for reasonable time for the purpose of search till the arrival of the female searcher.

11. *Temporary closure of the factory or department and lay-off of workmen for causes beyond the control of the management.*— The Company shall be governed by the provisions regarding lay-off as set out in the Industrial Disputes Act, 1947.

In the event of a strike affecting either wholly or partially any one or more department or departments of the Corporation, the Corporation may, subject to the provisions of the Industrial Disputes Act, 1947, or any rules or any orders thereunder or any Government enactments or rules in force in close down either wholly or partially such department or departments and any other department or departments affected by such closing down and for any period or periods. The fact of such closure shall be notified by notices put up on the notice boards of the company. The employees concerned shall also be notified by a general notice prior to their resumption of work as to when work will be resumed. Whenever a permanent worker or a temporary worker who has completed not less than one year of continuous service in the Corporation is laid off, he shall be entitled to lay off compensation as provided in the Industrial Disputes Act, 1947.

12. *Resumption of work after temporary closure.*— Any workman who has no work on account of the closure referred to in the above standing order shall not be considered as discharged from service, but will be considered, as temporarily unemployed and shall not be entitled to wages during such unemployment except, to the extent mentioned in the above standing order. Whenever practicable reasonable notice shall be given for resumption of normal work and all workmen laid off under the Standing Order No.11 who present themselves for work, when the normal working is resumed shall be allowed to resume work, provided that any workman who for any *bona fide* reason is unable to resume work on the day of resumption of normal work, may be permitted to resume the work subsequently, if he presents himself within a reasonable time to the satisfaction of the employer.

13. *Closure due to strike and resumption of work thereunder.*— In the even of a strike affecting either wholly or partially any one or more departments, the employer may subject to the provisions of the Industrial Disputes Act, 1947 or of the rules made thereunder close either wholly or partially such department(s). The fact of such closure shall be informed through notices put up on the notice-board of the concerned department and in the Time Keeper's office as soon as practicable. The workmen concerned shall also be informed of resumption of work by general notice, prior to the resumption of work as to when work will be resumed.

14. *Liability of workman to give notice before voluntarily leaving service.*— Any permanent workman desirous of leaving the services shall give sufficient notice which shall not be less than one month in writing or remit month's salary *in lieu* thereof to the Corporation. No such notice shall be deemed to be accepted unless the acceptance of resignation or otherwise is intimated in writing by the Corporation within seven days.

Every person leaving the service of the Corporation shall return any property belonging to the Corporation and which has been lent or issued to him in connection with the employment in the Corporation. The cost of such property (except uniforms such as dress, chapels, rain coats, boots, shirting's etc.) not so returned shall be liable to be deducted from the wages or other sums due to him.

All loans or other dues either to the Corporation or to a Co-operative Society of workmen due on the date by the workmen who leaves the employment, will be deducted from the workman from his wages or other sums due to him.

15. *Refusal to work.*— If ten or more workmen acting in concert without giving any reasonable cause or without complying with the provisions of the Industrial Disputes Act, 1947 and the rules made thereunder, absent themselves from work or being present at the workspot refuse to work, deduction of wages shall be in accordance with the Payment of Wages Act, 1936.

16. *Change of address.*— Every workmen must notify the management immediately, of any change of his address. Communication forwarded by the management to the last address given by the worker shall be regarded as sufficient compliance for the purpose of giving any notice, in those cases where giving a general notices on the notice board is not enough.

17. *Transfers.*— Every workmen shall be liable to be transferred in the same category or grade within the province of the Corporation without any reduction in his emoluments and with travelling allowance as per transfer policy.

18. *Absence from headquarters.*— The workman shall not leave his headquarters during leave period without prior permission of the Manager / in charge of respective units. Before, leaving the headquarters he should intimate the leave address to the Manager/in charge of the respective units.

19. *Secrecy.*— No workman shall take any papers, books, drawings, photographs, instruments, apparatus, documents or any property of the Corporation out of the work premises except with in written permission of his immediate superior, nor shall in any way pass or cause to be passed or disclose or cause to be disclosed any information or matter concerning the manufacturing process, trade secrets and confidential documents of the establishment to any unauthorised person, Company or Corporation without the written permission of the employer.

20. *Misconducts.*— Misconduct shall mean any act or omission whether specified herein or otherwise whether amounting to substantive act, abetment or connivance, committed within or outside the premises of the establishment or any act or commission which in any manner or guise is detrimental to the interest of the

business or discipline or reputation or prestige of the Corporation and the establishment whether committed within or outside the premises of the establishment. Without affecting the generality of the above, the following shall be constitute misconduct.

1. Impertinence, insubordination or disobedience, whether alone or in combination with others to any lawful or reasonable order of a superior.
2. Willful damage to or loss of Corporation's goods or property.
3. Theft, fraud, infidelity, misappropriation or dishonesty in connection with the business or property of the Corporation.
4. Drunkenness or fighting or riotous or disorderly or indecent behavior within or outside the Corporation premises during working hours at the establishment or commission of any act subversive of discipline or good behavior while on duty or off duty.
5. Engaging in fights souffles or altercation with fellow employees in the Corporation while on duty or inside the premises.
6. Habitual absence from duty without leave or absence for more than eight consecutive days at a time or overstaying the sanctioned leave without sufficient cause or proper satisfactory explanation.
7. Absence from the place of duty without permission or entering another section or department otherwise than in course of performance of his duty.
8. Habitual late attendance or late attendance for more than three times in a month. As far as the employees in the transport wing concerned, the finding in regarding late attendance will be made by the punching card system.
9. Obtaining or attempting to obtain leave of absence by false pretence, or abuse of leave facilities.
10. Gross negligence of work or habitual negligence or neglect of work.
11. Habitual breach of any law applicable to the establishment.
12. Organising holding or attending any meeting within the Corporation premises without prior permission in writing of the General Manager.
13. Sleeping while on duty.
14. Gambling or betting on the Corporation's premises.
15. Possession of any lethal weapon arms or ammunition or explosives in the Corporation premises without the permission of the General Manager.
16. Conviction by any court of law for any criminal offence.
17. Furnishing false and/or misleading information regarding qualification, date of birth, community, past service and experience, etc or any other information which is false or misleading to the management in the application for employment or any other correspondence with the Corporation. Similarly suppression of any material fact in the application for employment or any other correspondence with the Corporation.

18. Committing any act within the premises of the Corporation or outside whether amounting to any offence or which would tend to have effect or result in impairing the reputation, the public confidence, the discipline or the prestige of the Corporation or is in any way prejudicial to the interest of the Corporation.

19. Misbehavior during the enquiry into the matter of misconduct.

20. Wearing any badge, ribbon or token not supplied by the Corporation or distribution or exhibiting within the establishment premises, any hand bills, pamphlets or posters, effigies, picketing or staging demonstration inside the premises of the Corporation or obtaining signature of the employees or post any notice inside the Corporation premises without the previous sanction of the employer.

21. Unauthorised removal of notices displayed on the office notice board (s) by the Management.

22. Refusal to carry out the order of transfer.

23. Deliberately making false statements or misrepresenting facts.

24. Refusal to vacate Corporation's quarters when required by the Corporation to do so or unauthorised use or misuse of property of the Corporation or forcible occupation of any part or any portion or premises of the Corporation.

25. Refusal to work overtime, as permissible by law.

26. Not being properly dressed or properly groomed while on duty or uncleanliness and unpresentable appearance or any state of appearance not considered satisfactory by the management while on duty or in the premises of the Corporation at any time.

27. Impolite, rude or arrogant behavior towards the visitors, customers, passengers and guests or superiors of the Corporation.

28. Willful breach of an expressly prohibited act ,failure to observe safety instruction notified for the purpose of interference with any safety devices or equipment installed and safety of the visitors, customers, passengers and guests or superiors of the Corporation.

29. Delivering speeches tending to incite employees to violence against the Management of the Corporation or its officers.

30. Neglect of work negligence in the performance of duty including malingering or slowing down of work or sabotage or abetment or instigation thereof.

31. Surrounding or confining an employee or officer of the establishment in order to make him yield to demands.

32. Engaging in any civic, political or trade union activities on the premises of the establishment unless specifically permitted in writing by the Manager on special grounds except to the extent permitted by law or by the Management.

33. Contempt of rule and disrespect of authority and general affront to the Management.
34. Interfering or tampering with the official records, attendance register, documents identity cards, etc. pertaining to himself or any other employee.
35. Acts of immorality whether within or outside the precincts of the Corporation affecting the reputation of the establishment.
36. Committing any nuisance in the Corporation or near the outskirts of the Corporation premises.
37. Receiving visitors while on duty, without the consent of the General Manager or any other person authorised by him in this behalf.
38. Willful non-co-operation with fellow employees for proper discharge of duties.
39. Picketing or holding demonstration at the place of residence of the Corporation officials or the Corporation precincts.
40. Abetment of or attempts to abetment of any of the act which is a misconduct under these Service Rules.
41. Taking of food or eatables meant for residents. Other members of the staff who are authorised to take food or eating of food not entitled to or eating in any place or dining area other than to which an employee is entitled to.
42. Cooking of food in any part of the establishment premises other than by authorised employees.
43. Soliciting gratitude from employees or from guests/clients of the Corporation or soliciting any tips/bonus/ gifts/favours from the customers and clients.
44. Disobeying any legal or reasonable order of the Management or superior officers generally and in particular refusing directly or indirectly to accept a charge sheet or receive any communication, letter notice or order in writing from the Management or from any superior officer or from the person deputed to deliver the same and refusal to endorse the fact of having received the same on any peon book or on the duplicate copy of the document itself.
45. Refusal to sign any documents, form or register kept or maintained for the purpose of maintaining daily records .
46. Failure to deposit any lost article found in the establishment premises with the House keeping Department (Lost and Found)and obtain a receipt for the same.
47. Failure to notify the change of address.
48. Failure to inform the Corporation Medical Officer of the occurrence in his house, a notifiable disease viz., cholera, small pox, leprosy, diphtheria, cerebrospinal, meningitis, plague, bacillary dysentery, yellow fever, typhoid or enteric fever, mumps, epidemics, dropsy, measles and other diseases notified by Health Authorities.

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49. Engaging in any private trade during the course of employment in the Corporation or undertaking employment under any other employer or Corporation in any capacity without the permission of the Management.
 50. Speculation in any investment or commodity within the premises.
 51. Habitual indebtedness or insolvency.
 52. Spreading false rumours or giving false information which tends to disrepute the Corporation or its employees or spreading panic among the employees.
 53. Writing anonymous or pseudonymous letters criticising, the Officers or the employees of the Corporation or deliberately making false, vicious or malicious statements, public or otherwise against the establishment or any other officers or employees of the Corporation.
 54. Leaving work without permission or before being properly relieved at the end of his shift duty. Submission or representation except through proper channels.
 55. Misuse of loan facilities or borrowing from loan schemes under false pretexts. Bringing pressure to bear upon superiors on personal matters.
 56. Any act or omission which amounts in loss of Management's confidence.
 57. Failure on the part of any employee to present himself before the Medical Officer and notified by the Management for a medical check up and failure to carry out his instructions.
 58. Willful breach of an expressly prohibited act as regards the safety and health of guests, employees and safety of property of the Corporation or an act exposing the Management to any penalty under any applicable law.
 59. Leaving or abstaining from work without permission after reporting on duty.
 60. Entering or leaving attempting to enter or leave premises of the Corporation except by a gate or gates specified for the purpose.
 61. Smoking and or chewing pans/tobacco or spitting on the Corporation premises at the place other than prescribed for the purpose or in any way defacing the Corporation premises.
 62. Embezzlement, Misappropriation or mischief in connection with the Corporation business or property misuse of any leave, privilege or other concessions benefits for the time being in force.
 63. Threatening or pressuring or intimidating the employees to engage in strikes, slow down, gheraoing or any other act of misconduct.
 64. Striking work or inciting others to strike work in contravention of the provisions of any law or rule having the force of law for the time being or abetment or working in furtherance thereto.
 65. Deliberately indulging in any tactics or strategy resulting in stay-in-strike or by doing such things as to cause stoppage of the work of other sections or department.

66. Possession or use of any intoxicating liquors, drugs or narcotics, while on the premises of the establishment.

67. Advocating or being a member of or affiliated with any organisation which advocates the breaking of the Constitution of India or becoming a member of or having association with any organisation prohibited by the Government.

68. Causing or threatening to cause mental or physical pains or injury to any employee of the establishment, anywhere within the premises of the establishment alone or in co-operation with others, if such act(s) is/are in connection with the employment in the establishment.

69. Handling any machine, apparatus, vehicle etc. not entrusted to his charge.

70. Damage to any work in progress or to any other property of the establishment.

71. Sale of any commodity, ticket or any lottery or raffle or canvassing for any travel agency within the premises of the establishment.

72. Use of offensive vile or obscene language or gestures or postures with hidden imputation against the visitors and the guests or the employees or Management of the Corporation.

73. Disfiguring or damage to the Corporation's premises including entrances, walls, equipments, fittings, fixtures, furniture and furnishings.

74. Engaging in any trade within the premises of the Corporation or acts of immorality within the precincts of the Corporation or outside or any act bringing the Corporation or the Corporation into disrepute e.g. pimping, prostitution, foreign exchange control violation, impoliteness, assault or carrying on any side business related to Corporation's guests or tourism.

75. Soliciting or accepting any gift from any person or firm having business transaction with the Corporation or from any subordinate employee.

76. Committing any unfair labour practice as defined in Section 2 (r-a) of the Industrial Disputes Act, 1947 and enumerated under part TI of the Fifth Schedule contained in the said Act.

77. No employee shall make or permit any member of his family or any other person acting on his behalf to make any investment which is likely to embarrass or influence him in the discharge of his official duties.

78. No employee shall directly or indirectly engage in the business of money lending inside the premises.

79. Except with the previous sanction of the competent authority, no employee shall purchase directly or indirectly in a sale by auction conducted by or under the orders of the Corporation or an authority subordinate to it, any movable or immovable property owned by the Corporation. Any violation of the above provision will be construed as misconduct.

80. Every employee shall, within three months of his first appointment to the service, and thereafter at the end of each calendar year, submit to the competent authority, through the usual official channels, a declaration giving the full particulars of all movable and immovable property held or in which he had an interest or acquired by him or by any member of his family from time to time. Provided that an employee in service on the date these rules come into force, shall submit the first declaration under this sub-rule within three months from the said date. Any violation of the above provision will be construed as misconduct.

81. No workman shall take any papers, books, drawings, photographs, instruments, apparatus, documents or any other property of the Corporation out of the work premises except with the written permission of his immediate superior, nor shall in any way pass or cause to be passed or disclose or cause to be disclosed any information or matter concerning the manufacturing process, trade secrets and confidential documents of the establishment to any unauthorised person, company or Corporation without the written permission of the employer.

82. Loitering in premises owned or rented by the Corporation after duty hours without any sufficient reason.

83. Pilferage of material from business premises.

84. Wrongful or wasteful use of materials/equipments.

85. Rolling of ticket/re-use of tickets/improper punching of tickets.

86. Improper or fraudulent writing of log-sheets or preparing log-sheets with over-writing or other corrections with an intention to cause loss to the Corporation.

87. Non-issue of tickets to passengers/for luggage after collecting/without collecting money from them.

88. Issuing tickets to passengers/ for luggage for lesser amount than actual fare.

89. Overloading of buses and permitting excess luggage causing disruption to the movement of passengers inside the bus in violation of written instructions issued from time to time.

90. Rash and negligent driving resulting in damage to the property of the Corporation or person of the official of the Corporation or any third party.

91. Absence of punctuality in attending his duties and not entering the bus-stand without any proper reason.

92. Using of personal cell phones during the working hours/in the office premises.

93. Misusing of free travel pass by transferring it to unauthorised persons.

21. Punishment for misconducts :

The following shall be the prescribed punishment that may be awarded to workmen, guilty of misconduct :—

(1) Warning.

(2) **Fine:** Subject to the provisions of Payment of Wages Act, 1936.

(3) **Stoppage of increment:** With or without cumulative effect.

(4) (a) Recovery from wages whole or part of any pecuniary loss caused to the Corporation by the negligence or breach of orders by the workmen. Without prejudice to its generality, the term 'loss' includes the damages imposed under Consumer Protection Act on the Corporation on account of the negligence or breach of orders by the workmen.

(b) Recovery from pay to the extent necessary of the monetary value equivalent to the amount of increment ordered to be withheld, where such an order cannot be given effect to.

(c) Recovery from pay to the extent necessary of the monetary value equivalent to the amount of reduction to a lower stage in a time scale ordered where such an order cannot be given effect to.

Explanation.— In case of stoppage of increment with cumulative effect the monetary value equivalent to three times the amount of increments ordered to be withheld may be recovered.

(5) **Demotion to lower post or lower grades.**— No workman shall be demoted to any post or grades lower than to which he was initially recruited under the Corporation.

(6) Suspension.

(7) Compulsory retirement.

(8) Removal from service or discharge.

(9) Dismissal from service.

II. Suspension pending enquiry:

(a) Where disciplinary proceedings against a workman are contemplated or are pending or where criminal proceedings against him in respect of any offence are in progress and the management is satisfied that it is necessary to place the workman under suspension, the management may, by order in writing suspend him with effect from such date as may be specified in the order. A statement setting out in detail the reason for such suspension shall be supplied to the workman within a week from the date of suspension.

(b) Suspended employee shall surrender his identity card to the Corporation, immediately after receiving the suspension order. Failure to do so shall attract the penalty of Rs. 100 per month.

(c) A workman, who is placed under suspension under clause (a) shall, during the period of such suspension be paid a subsistence allowance at the following rates namely:

Where the enquiry contemplated or pending in departmental, subsistence allowance shall, for the first 90 days from the date of suspension, be equal to one-half of the basic wages, dearness allowance and other compensatory allowances to which the workman would have been entitled, if he was on leave with wages. If the departmental enquiry gets prolonged and the workman continues to be

under suspension for a period exceeding 90 days the subsistence allowance shall, for such period, be equal to three-fourths of such basic wages, dearness allowance and other compensatory allowances:

Provided that where such enquiry is prolonged beyond a period of 90 days for reasons directly attributable to the workman, the subsistence allowance shall for the period exceeding 90 days be reduced to one-fourth of such basic wages, dearness allowance and other compensatory allowances.

(d) If on the conclusion of the enquiry, or the criminal proceedings the workman has been found guilty of the charges framed against him and it is considered, after giving the workman concerned a reasonable opportunity of making representation on the penalty proposed that an order of dismissal or suspension or fine or stoppage of annual increment or reduction in rank would meet the ends of justice, the employer shall pass an order accordingly:

Provided that when an order of dismissal is passed under this clause, the workman shall be deemed to have been absent from duty during the period of suspension and shall not be entitled to any remuneration for such period and the subsistence allowance already paid to him shall not be recovered:

Provided further that when an order of suspension is passed under this clause and the period between the date on which the workman was suspended from duty pending the enquiry or investigation or trial and the date on which the final order of suspension was passed under this clause exceeds 30 days, the workman shall be deemed to have been suspended only for 30 days or for such shorter period as is specified in the said final order of suspension and for the remaining period he shall be entitled to the same wages as he would have received if he had not been placed under suspension, after deducting the subsistence allowance paid to him for such period:

Provided also that when an order imposing fine or stoppage of annual increment is passed under this clause, the workman shall be deemed to have been on duty during the period of suspension and shall be entitled to the same wages, as he would have received if he had not been placed under suspension, after deducting the subsistence allowance paid to him for such period:

(e) If on the conclusion of the enquiry or the criminal proceedings the workman has been found to be not guilty of any of the charges framed against him, he shall be deemed to have been on duty during the period of suspension and shall be entitled to the same wages, as he would have received if he had not been placed under suspension, after deducting the subsistence allowance paid to him for such period.

(f) The payment of subsistence allowance under this standing order shall be subject to the workman concerned not taking up any employment during the period of suspension.

III. Procedure to be followed before imposing punishment :

(1) The Corporation shall specify from time to time the authorities who are competent to impose the various punishments under the standing orders.

(2) Any Higher Authority than the one specified by the Corporation may impose any of the punishments. that the higher authority is competent to inflict.

(3) If in case a disciplinary authority has imposed any punishment or has declined to impose any punishment it shall act as a bar on the lower authority initiating fresh disciplinary proceedings for the same misconduct.

(4) No punishment shall be imposed unless the workman is informed in writing of the alleged misconduct.

(5) The workman shall be given 10 days time to file a written statement to the charge or charges (which charge notice shall contain the allegation based on which the charge has been framed).

(6) When the charge has not been admitted, an enquiry shall be conducted.

(7) While conducting an enquiry the following procedures shall be followed.

(a) The workman shall be given a reasonable notice of the date and venue of the enquiry:

(b) The oral statement of the workman if any at the time of enquiry shall be recorded in writing and in the language used by the workman.

(c) The witness to prove the misconduct, shall be examined in the presence of the workman and the workman shall be given an opportunity to cross-examine the witnesses.

(d) The workman shall be given a reasonable opportunity to defend himself and to examine witness, if any, on his behalf.

(e) In the enquiry the charge sheeted workman shall be permitted , if he so desires, to take the assistance of another workman of the Corporation to defend him.

(f) A copy of the findings of the enquiry officer shall be furnished to the charged official along with a notice calling upon him to furnish his remarks within 10 days time as to why the enquiry report should not be accepted. In- the said notice the employer should state its observations on the enquiry report and its proposal regarding imposition of any punishment. After considering charged official's remarks, if any, concerning the enquiry report and also his remarks if any, on the quantum of punishment, the final order shall be passed.

(g) In awarding punishment the punishing authority shall take into account the gravity of the misconduct, the previous records of the workman and any other extenuating or aggravating circumstances that may exist.

(h) If a workman who is suspended is after enquiry dismissed or removed or compulsorily retired from service by the management he shall be deemed to have been dismissed with effect on and from the date of suspension, unless otherwise, indicated in the order of the management dismissing, removing, or compulsorily retiring him from service.

22. *Promotion.*— Promotion to higher categories shall be made by selection based on seniority-cum-merit.

23. *Redressal of grievances against unfair treatment.*— (i) Complaints affecting one or more individual worker in respect of their wage payments, overtime, leave, promotion, seniority, work assignment, working conditions, dismissal and discharges would constitute grievances. Where the points at dispute are of general applicability or of considerable magnitude, they will fall outside the scope of this procedure.

(ii) The Corporation shall designation-officer for every branch in the Corporation to deal with the grievances of the workman. The officers so designated will hereinafter be called officer-in-charge.

(iii) An aggrieved worker shall first present his grievances in writing to the officers incharge. An answer to the grievance shall be given within fifteen days of the presentation of the complaint.

(iv) Where a decision on the grievance is not within the competence of the officer-in-charge, he shall endeavor to obtain the decision of the competent authority.

(v) If the worker concerned is not satisfied with the decision of the "officer-in-charge" or fails to receive an answer within the stipulated period, he shall in person present his grievances to the General Manager. The General Manager shall give his answer within fifteen days of the presentation of the grievance, if action cannot be taken within that period the reasons therefore shall be recorded.

(vi) If the decision of the General Manager is unsatisfactory the aggrieved worker may forward his grievance to the Managing Director. The final decision of the Managing Director shall be communicated to the worker concerned within a fortnight.

(vii) If a grievance arises out of an order given by the officer in-charge the said oral shall be compiled with before the workmen concerned ,invokes the procedure laid down for the redressal of grievances. If however, there is time lag between the issue of order and its compliance the grievance procedure may immediately be involved, but the order nevertheless, must be complied with within the due date, even if all the steps in the grievance procedure have not been exhausted.

(viii) In the matter of taking appeal from one step to other the aggrieved worker shall within fifteen days of the receipt of the decision at one stage file his appeal with the authority at the next higher stage, should he feel inclined to appeal.

(ix) If it be necessary for any worker to leave his section during working hours on call from the 'officer-incharge, permission of his superior shall necessarily be obtained.

(x) In the case of grievances arising out of discharge or dismissal of a workman the above-mentioned procedure shall not apply. Instead a discharged or dismissed workman shall have the right to appeal to the next higher authority within two months from the date of receipt of the dismissal or discharge order. The appeal shall be in writing and shall be submitted to the authority.

(xi) In calculating the various time intervals under the above clauses holidays shall not be reckoned with.

24. *Notice for absence from duty and penalty for absence without notice.*— If ten or more workmen acting in concert and without giving to the employer fourteen days notice and without reasonable cause absent themselves from work or being present at the work spot refuse to work, each one of them shall be liable to pay to the employer *in lieu* of such notice an amount equal to his wage for eight days.

Explanation.— For the purpose of this standing order, the expression "Wages" shall have the meaning assigned to it in the Payment of Wages Act, 1936 (Central Act IV of 1936).

25. *Termination of service for abandonment of employment.*— A workman who absents from duty or overstays his authorised leave for 8 consecutive days or more without permission or intimation giving reason to the satisfaction of the management for such absence or overstayed shall be liable for termination of service on the ground of abandonment of employment subject to the provisions of Industrial Disputes Act, 1947.

26. *Retirement.*— Every workman shall retire on attaining the age of 60 (sixty) years.

27. *Record of age.*— (a) The following documents shall be deemed to be satisfactory proof of age at the time of workmen entering the service of the Corporation.

(i) A birth certificate issued by the Municipality or Commune Panchayat Authorities; or

(ii) Any age certificate issued by an Educational Institution recognised by the Government; or

(iii) True extracts of birth certificate duly attested by an officer equivalent to or not lower in rank than a Tahsildar.

(b) If a workman is not able to produce any evidence of his age at the time of his first appointment, he may be required to give a written declaration that the age as stated by him is correct. If such declaration is that not found acceptable, the Corporation may have the workman examined by the District Medical Officer whose decision shall be final.

(iv) The age of a workman as recorded with the Corporation at the time of his employment shall not, normally thereafter, be sought to be altered by the workman, however, if a workman produces proof to the satisfaction of the Corporation within 5 years of joining service that the age given at the

time of appointment is wrong, the Corporation may alter the age of the workman. Any application made for alternation of age after five years from the date of entering in the service, in the Corporation will be summarily rejected.

(v) In the case of workmen, who are already in service, they may within a period of twelve months, after the coming into being of these standing orders, move the management to revise the age, if there is any discrepancy, provided such request is followed by satisfactory evidence as in sub-clauses (i), (ii) and (iii) above.

28. *Notice.*— (g) Any matter required to be notified under these standing orders and any notice by the employer to the workman in the Industrial Establishment shall be displayed on notice board maintained for the purpose at conspicuous place in the premises of the Industrial Establishment.

(h) Any notice or communication intended for any workman may be delivered to him personally in the premises of the Industrial Establishment or sent to him by registered post to the address of the workman as specified in the service records or as otherwise furnished by him.

29. *Prevention of sexual harassment of women at work place.*—

(i) **Duty of the Employer :**

It shall be the duty of the employer or other responsible persons in work places to prevent or deter the commission of acts of sexual harassment and to provide the procedures for the resolution, settlement or prosecution of acts of sexual harassment by taking all steps required.

(ii) **Definition :**

For this purpose sexual harassment - includes such unwelcome sexually determined behavior (whether directly or by implication) as:

- (a) physical contact and advances;
- (b) a demand or request for sexual favours;
- (c) sexually colored remarks;
- (d) showing pornography;
- (e) any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

Where any of these acts is committed in circumstance where under the vide such conduct has a reasonable apprehension that in relation to the victim employment or work whether she is drawing salary or honorarium or voluntary, such conduct can be humiliating and may constitute a health and safety problem. It is discriminatory for instance when the woman has reasonable grounds to believe that her objection would disadvantage her in connection with her employment or work including recruitment or promotion or when it creates a hostile work environment. Adverse consequences might be visited if the victim does not consent to the conduct in question or raises any objection thereto.

(iii) Preventive steps :

The employer or, person in charge of work place shall take appropriate steps to prevent sexual harassment without prejudice to the generality of this obligation they should take the following steps:

(a) express prohibition of sexual harassment as defined above at the work place shall be notified, published and circulated in appropriate ways.

(b) Appropriate work conditions shall be provided in respect of work, leisure, health and hygiene to further ensure that there is no hostile environment towards women at work places, and no woman employee shall have reasonable grounds to believe that she is disadvantaged in connection with her employment.

(iv) Criminal Proceedings :

Where such conduct amounts to a specific offence under the Indian Penal Code or under any other law, the employer shall initiate appropriate action in accordance with law by making a complaint with appropriate authority.

In particular it shall ensure that victims or witness are not victimised or discriminated against while dealing with complaints of sexual harassment. The victims of sexual harassment shall have the option to seek transfer of the perpetrator or their own transfer.

(v) Disciplinary action :

Where such conduct amounts to misconduct in employment as defined in the relevant service rules, appropriate disciplinary action shall be initiated by the employer in accordance with those rules.

(vi) Complaint mechanism :

Whether or not such conduct constitutes an offence under law or a breach of the service rules, an appropriate complaint mechanism shall be created in the employer's organisation for redress of the complaint made by the victim. Such complaint mechanism shall ensure time bound treatment of complaints.

(vii) Complaints Committee :

The complaint mechanism referred to in (vi) above, shall be adequate to provide where necessary, a Complaints Committee, a special counselor or other support service including the maintenance of confidentiality.

The Complaints Committee shall be headed by a women and not less than half of its member shall be women. Further, to prevent the possibility of any undue pressure or influence from senior levels, such Complaints Committee should involve a third party, either NGO or other body, who is familiar with the issue of sexual harassment, The Complaints Committee will be deemed to be the enquiring authority for the purposes of their standing orders and the report of the Complaints

Committee shall be deemed to be an enquiry report based on which the disciplinary authority will act in accordance with these orders. The Complaints Committee must make an annual report to the Labour Department of the complaints and action taken by them.

The employer and person in charge will also report on the compliance with the aforesaid guidelines including on the reports of the Complaints Committee to the Labour Department.

(viii) Workers' initiative :

Employees shall be allowed to raise issues of sexual harassment at workers meeting and in other appropriate forum and it shall be affirmatively discussed in employer-employee meetings.

(ix) Awareness :

Awareness of the rights of female employees in this regard shall be created in particular by prominently notifying the guidelines (and appropriate legislation when enacted on the subject) in a suitable manner.

(x) Third party harassment :

Where sexual harassment occurs as a result of an act or omission by any third party or outsider, the employer and person in charge will take all steps necessary and reasonable to assist the affected person in terms of support and preventive action.

All employees shall notify the management, change of address if any, of their residence temporary or permanent.

The Draft Standing Orders of the Management of Pondicherry Tourism and Transport Development Corporation Limited, Pondicherry are hereby certified under section 5 (3) of the Industrial Employment (Standing Orders) Act, 1946.

**BEFORE THE COMMISSIONER OF LABOUR, PONDICHERRY
(CERTIFYING OFFICER FOR THE UNION TERRITORY OF PONDICHERRY
UNDER THE INDUSTRIAL EMPLOYMENT (STANDING ORDERS) ACT, 1946**

**Modification No. 1 of 2006
in
Standing Order No. 1 of 2005**

In the matter of certification of modification to Standing Order in respect of M/s. Pondicherry Road Transport Corporation Limited (formally known as Pondicherry Tourism and Transport Development Corporation Limited), Puducherry under the Industrial Employment (Standing Order) Act, 1946

ORDER

Whereas the draft modification to Standing Order submitted by the Management of Pondicherry Road Transport Corporation Limited (formally known as Pondicherry Tourism and Transport Development Corporation Limited), Puducherry for adoption in respect of their establishment was taken by me for certification under the Industrial Employment (Standing Order) Act, 1946 (hereinafter called the Act).

Whereas notice under section 5 of the Industrial Employment (Standing Order) Act, 1946 was sent to the Trade Unions of the establishment seeking their views, if any, to the draft modification to the Standing Orders of the establishment;

And whereas it is observed that the draft modification proposed has been necessitated due to bifurcation of existing corporation as Pondicherry Road Transport Corporation Limited and creation of new Corporation *viz.*, Pondicherry Tourism Development Corporation Limited;

Now, therefore in exercise of the powers conferred under sub-section (3) of section 5 read with sub-section (3) of section 10 of the Act, the undersigned hereby certifies the modification to the Standing Orders for adoption in M/s. Pondicherry Road Transport Corporation Limited (formally known as Pondicherry Tourism and Transport Development Corporation Limited), Puducherry and the modification to the Standing Orders so certified is duly authenticated by the signature and seal of the Office of the Certifying Officer, Puducherry as required under rule 7 of the Industrial Employment (Standing Orders) Central Rules, 1946 and appended herewith.

Dated at Puducherry on this 17th day of November 2006.

DR. S. SUNDARAVEDEVELU,
Commissioner of Labour-cum-
Certifying Officer.

ANNEXURE

1. For the words 'Pondicherry Tourism and Transport Development Corporation Limited' the word 'Pondicherry Road Transport Corporation Limited may be inserted.
 2. Delete Point No. 41 of clause 20.
 3. Delete Point No. 42 of clause 20.
 4. Delete Point No. 46 of clause 20.
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